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Commissioner

TESTIMONY OF COMMISSIONER ANNE L. HEAD

Department of Professional and Financial Regulation

IN SUPPORT OF LD 149

AN ACT TO FACILITATE LICENSURE FOR CREDENTIALLED INDIVIDUALS FROM OTHER JURISDICTIONS

Sponsored by Representative Kristin Cloutier

BEFORE THE JOINT STANDING COMMITTEE ON INNOVATION, DEVELOPMENT, ECONOMIC
ADVANCEMENT AND BUSINESS

Public Hearing: March 23, 2021, 9:30 am

Senator Curry, Representative Roberts, and Members of the Committee, my name is Anne Head and I am the Commissioner of the Department of Professional and Financial Regulation and Director of the Office of Professional and Occupational Regulation. I am here today to speak in support of a Department bill, LD 149 *An Act to Facilitate Licensure for Credentialed Individuals from Other Jurisdictions*.

The Office of Occupational and Professional Regulation (OPOR) is committed to reducing barriers to licensure within its jurisdiction. We want to help all current and future Mainers to attain a license in their field and work at their highest level of licensure. The Governor's Strategic Economic Development Plan calls for adding 75,000 people to Maine's workforce in order to grow Maine's economy. The plan notes that although Maine has strong, talented, hardworking people, significant workforce shortages are anticipated over the next ten years unless robust efforts are taken. The attraction of New Americans and other newcomers is essential to Maine's economic growth, and this bill is an important component of that effort.

I would like to start with a brief history of LD 149. In the second session of the 129th legislature, I presented to the IDEA Committee my report prepared in response to Resolve 2019 c. 79 directing me to form a Working Group to Study Barriers to Credentialing to assess barriers to professional licensure for a) skilled individual with foreign credentials and b) licensees of other states who apply for Maine licensure. The Report, available at this [link](#), identified barriers and made recommendations to enable foreign-credentialed, foreign-skilled and out-of-state license holders to become part of Maine's workforce and economy.

The 129th IDEA Committee chose some of the Report's recommendations to move forward on and directed their analyst to draft LR 2712. The LR draft was approved by the Committee over email. The authority for LR 2712 was derived from LD 1841, which provided the Committee authority to report out a bill in the Second Regular Session of the 129th. Because the session ended and any subsequent session would be a special session, the language in the LD technically precluded the Committee from reporting out a bill.

Sections 1-7 of LD 149 track, but are not identical to, the Committee's LR. Section 8 of the bill is more expansive than the Committee LR, but consistent with the Report. Sections 1-7 give greater flexibility to the Director of OPOR and OPOR boards and commissions to assist foreign-trained/educated individuals interested in applying for a

Maine license in their field of education or training by:

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- Allowing the Director of OPOR to waive certain requirements for applicants from out of state or other countries including documentation requirements, examination fees and license fees.
- Giving boards and programs the authority to grant provisional licenses, which would allow applicants to work in their field while achieving additional educational or training requirements.
- Providing the Director rulemaking authority to define jurisdiction for licensing purposes to mean a state, territory, or foreign nation.
- Allowing the Director to accept grant funds to support these efforts.

In addition to these legislative proposals, OPOR has also undertaken some important non-legislative steps recommended by the Report. For example, the Department has entered into a cooperative agreement with the Cutler Institute at the University of Southern Maine to develop licensing guides to assist foreign-trained/educated applicants to understand the licensing process and requirements. The Cutler project will also provide OPOR with website design expertise to assist applicants with ease of navigation and simplicity of language, which will benefit all applicants regardless of their native language. In addition, OPOR staff also participated in diversity and inclusion training last summer.

While the changes outlined in LD 149 are important steps to assist foreign-trained/educated individuals, much of what needs to be accomplished to assist foreign-trained/educated individuals is not within OPOR's jurisdiction. As the Report notes, the most important tool to help foreign-trained/educated individuals obtain licensure would be to expand opportunities and funding for English language proficiency, especially contextualized profession-based English language learning with test preparation courses that are specific to the particular field.

Section 8 of the bill authorizes a process for "licensure by endorsement" for U.S. license holders who wish to obtain a Maine license. This endorsement process would allow license holders from other jurisdictions to obtain a Maine license so long as they meet certain very reasonable conditions.

Last week, the Committee held a public hearing on LD 612, a bill similar in intent but very different in approach than LD 149. We strongly believe that LD 149 and "licensure by endorsement" strikes the right balance between allowing Maine's boards and regulatory agencies to exercise the discretion and authority they have been granted by the Maine Legislature to serve their public protection mission and expanding our workforce potential by simplifying Maine's licensure process for out of state license holders.

As noted on page 11 of the Report, OPOR currently has a piecemeal approach to reviewing applications for Maine licenses by out of state license holders. Section 8 of LD 149 would supersede current statutory and board rules and require rulemaking by each board to implement and comply with the proposal's licensure by endorsement provisions. This would create a more uniform measured approach to Maine licensure for out-of-state licensees, while also ensuring that the public has the opportunity to input through the APA rulemaking process.

LD 612 would, on the other hand, require that OPOR boards and commissions to accept the licensing standards established by any other state without input from Maine citizens and Maine boards and notwithstanding Maine law. Moreover, it would mandate that OPOR boards accept private certification and/or work experience in lieu of licensure in another jurisdiction, which is contrary to both the current licensing laws and this proposal.

Thank you for your time and I would be happy to answer questions now or at the work session.